

Memorandum



Date: November 30, 2004

Agenda Item No. 7(O)(1)(A)

To: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members, Board of County Commissioners

From: George M. Burgess
County Manager


Subject: Resolution Amending Master Procurement Administrative Order 3-38;
Market Research to Include Three Sources

RECOMMENDATION

It is recommended that the Board approve this resolution amending the Master Procurement Administrative Order 3-38 (AO 3-38) to include a formalized procedure for conducting market research. The amendment adds language establishing that, whenever possible, market research must be conducted in anticipation of a County procurement. County staff shall contact at least three different sources in the affected market to ensure the formulation of specifications that provide for fair and open competition. The amendment requires that the research be appropriately documented and provides that the Office of the Inspector General (OIG) shall periodically review staff's compliance with the required procedures.

BACKGROUND

On April 13, 2004, the Board approved Resolution R-443-04 directing the County Manager to develop and submit amendments to the pertinent Administrative Orders formalizing the procedure by which market research is conducted. A copy of that Resolution is attached for your reference. The proposed amendment to AO 3-38 codifies the Board's directive.



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: November 30, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(O)(1)(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☒ No committee review

Approved _____ Mayor

Agenda Item No. 7(O)(1)(A)

Veto _____

11-30-04

Override _____

RESOLUTION NO. _____

**RESOLUTION AMENDING PROCUREMENT
ADMINISTRATIVE ORDER 3-38; FORMALIZING THE
PROCEDURE BY WHICH MARKET RESEARCH IS
CONDUCTED**

WHEREAS, this Board desires to amend Procurement Administrative Order 3-38 by formalizing the procedure by which market research is conducted; and

WHEREAS, this Board desires to add to the Procurement Administrative Order 3-38 the following language in its entirety:

MARKET RESEARCH

County staff shall conduct market research prior to or during the development of contract specifications or scope of work for any purchase of goods or services. The research shall be performed in accordance with the DPM Procurement Guidelines and the dollar thresholds established therein. The Office of the Inspector General shall review periodically staff's compliance with the required procedures.

The primary purpose of market research in public procurement is to determine the availability of sources of supply and to promote the formulation of specifications that provide for fair and open competition. Specifications and requirements should neither be exclusionary nor unreasonably favor any one vendor or proposer.

The process of market research begins with the intent to satisfy a legitimate County requirement. Whenever practical, the requirement should be stated in terms of performance or

functionality. This means that the required “output” or “outcome” of the goods or services to be purchased should be clearly understood and defined.

During the course of market research, as more fully described in the DPM Procurement Guidelines, County staff shall contact, whenever possible, no less than three different sources in the affected market. Documentation of such contacts shall identify the sources contacted and the date the source is contacted, and shall be maintained in a manner that they may be reviewed by the Office of Inspector General ,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the amendment of the Procurement Administrative Order 3-38, in substantially the form attached hereto and made a part hereof; and authorizes the County Manager to exercise same for and on behalf of Miami-Dade County.

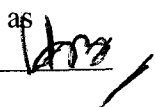
The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of November, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. 

Hugo Benitez

By: _____
Deputy Clerk

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